

Notice of Allowability

Application No.

10/001,741

Examiner

Callie E. Shosho

Applicant(s)

SMITH ET AL.

Art Unit

1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 5/4/04.
2. ☒ The allowed claim(s) is/are 1-33.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

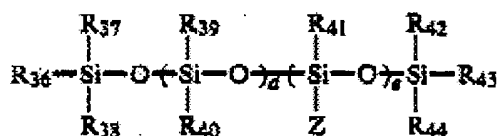
Callie E. Shosho
Primary Examiner
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Statement of Reasons for Allowance

1. The present claims are allowable over the “closest” prior art Marritt et al. (U.S. 6,231,655), Nyssen et al. (U.S. 6,245,138), Maycock et al. (U.S. 4,859,759), Meuwly et al. (U.S. 5,837,792), and Pearlstine et al. (U.S. 6,087,416) for the following reasons:

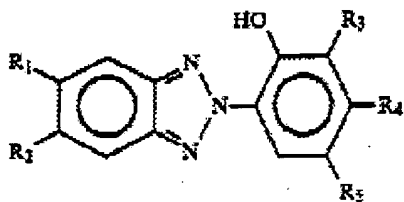
Marritt et al. disclose ink jet ink composition comprising water, colorant, and UV absorbing agent. There is also disclosed process of using the ink wherein the ink is incorporated into piezoelectric or thermal ink jet printer and then ejected onto substrate. Alternatively, Nyssen et al. disclose ink jet ink comprising water, colorant, and light stabilizer. There is also disclosed process wherein the ink is incorporated here piezoelectric or thermal ink jet printer and then ejected onto substrate. However, there is no disclosure or suggestion in either Marritt et al. or Nyssen et al. of lightfastness agent as required in each of the present claims.

Maycock et al. disclose use of siloxane that contains at least one benzotriazole group of the formula:



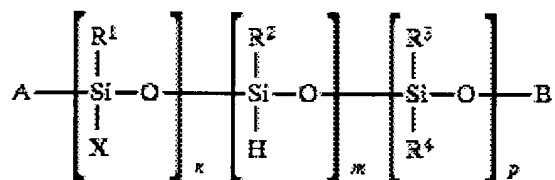
where Z is:

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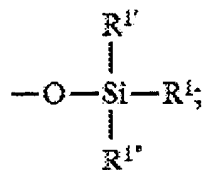


where R_{36} - R_{44} are hydrogen, alkyl or aryl and R_1 - R_5 are each hydrogen and wherein the siloxane is a UV radiation absorbing agent. However, with respect to present claims 1 and 19, there is no disclosure or suggestion in Maycock et al. that the siloxane contains hydrophilic groups as presently claimed. Further, there is no disclosure or suggestion in Maycock et al. of lightfastness agent of presently claimed formula II, III, IV, or V as required in present claim 22 or any disclosure of the specific lightfastness agent of formula I as required in present claims 4, 30, or 32. Additionally, there is no disclosure or suggestion in Maycock et al. of ink and thus, no disclosure or suggestion that the above UV radiation absorbing agent of Maycock et al. is used in ink composition as required in all the present claims.

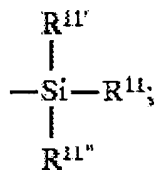
Meuwly et al. disclose light stabilizer for the formula:



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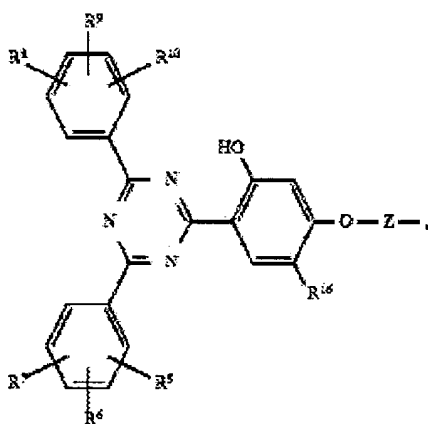


where A is



, B is

, X is lightfastness moiety of the formula:



and $\text{R}^1\text{-R}^4$, $\text{R}^{1'}$, $\text{R}^{1''}$, $\text{R}^{11'}$, and $\text{R}^{11''}$ are each $\text{C}_1\text{-C}_{18}$ alkyl. However, with respect to present claims 1 and 19, there is no disclosure or suggestion in Meuwly et al. that the siloxane contains hydrophilic groups as presently claimed. Further, there is no disclosure or suggestion in Meuwly et al. of lightfastness agent of presently claimed formula II, III, IV, or V as required in present claim 22 or any disclosure of the specific lightfastness agent of formula I as required in present claims 4, 30, or 32. Additionally, there is no disclosure or suggestion in Meuwly et al. of ink and thus, no disclosure or suggestion that the above UV radiation absorbing agent of Meuwly et al. is used in ink composition as required in all the present claims.

Pearlstine et al., which is drawn to ink jet inks, disclose attaching hydrophilic groups such as polyalkylene oxide group to polysiloxane in order to control compatibility and polarity of

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the polysiloxane. However, Pearlstine et al. disclose the use of polysiloxane surfactant which is in direct contrast to the present claims, as well as Maycock et al. or Meuwly et al., that disclose the use of siloxane which is UV absorbing agent or lightfastness agent. There is no disclosure in Pearlstine et al. of using hydrophilic group to modify UV absorbing agent or lightfastness agent. There is no disclosure or suggestion in Pearlstine et al. of lightfastness agent as required in the present claims.

Thus, it is clear that Marritt et al., Nyssen et al., Maycock et al., Meuwly et al., and Pearlstine et al., either alone or in combination, do not disclose or suggest the present invention.

Further, applicants' amendment filed 5/4/04 overcomes the 35 USC 112, 2nd paragraph rejection of record.

In light of the above, it is clear that the rejections of record are untenable and so, the present claims are passed to issue.

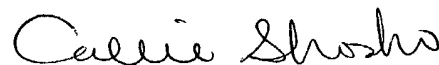
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Callie E. Shosho whose telephone number is 571-272-1123. The examiner can normally be reached on Monday-Friday (6:30-4:00) Alternate Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 571-272-1119. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Callie E. Shosho
Primary Examiner
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CS
5/18/04